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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/867,022

05/29/2001

Takahiro Omori

F-7012

5354

7590

05/25/2004

Jordan and Hamburg
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New York, NY 10168

EXAMINER

BASOM, BLAINE T

ART UNIT

PAPER NUMBER

2173

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DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,022

Applicant(s)

OMORI ET AL.

Examiner

Blaine Basom

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because it merely recites, almost verbatim, the limitations of claim 1, and therefore does not describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. Correction is required. See MPEP § 608.01(b). Applicant is reminded of the proper language and format for an abstract of the disclosure:

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,886,273, which is attributed to Haruyama. In general, Haruyama presents a system for instructing a user to operate a musical keyboard (for example, see column 1, line 5 – column 2, line 25). Haruyama is thus considered to teach an “operation instruction system,” like that of the claimed invention. Haruyama particularly discloses that this instruction system comprises a computer readable medium which stores a program for causing a computer to provide an operator with instructions for operating the musical keyboard (for example, see column 6, line 10 – column 8, line 8). Haruyama is therefore additionally considered to teach a “computer readable medium,” like recited in the claimed invention.

Particularly regarding claims 1 and 9, Haruyama discloses that such an operation instruction system comprises a device and program for causing a display device to display an operation instruction picture, which comprises a miniature keyboard and “piano roll paper,” and which is associated with an operation object range defined in at least a portion of an input device, the input device specifically being a musical keyboard (see column 6, lines 5-26; and column 8, lines 26-42). The operation instruction system generates a visual change in the displayed miniature keyboard and piano roll paper in order to instruct an operator of the musical keyboard (for example, see column 8, line 42 – column 9, line 55). Lastly, Haruyama discloses that the

Art Unit: 2173

user may select an “enlarged display mode,” whereby a portion of the displayed miniature keyboard and piano roll paper is enlarged so that the user can better ascertain which keys are to be operated (see column 9, line 56 – column 10, line 12). The operation instruction system described by Haruyama is thus understood to comprise a device for changing a ratio of the operation instruction picture in accordance with an instruction from the operator.

With respect to claims 2 and 10, it is understood that a plurality of operation portions, namely keys, are provided in the operation object range of the musical keyboard described by Haruyama, and that a plurality of operation instruction portions, each associated with a key, are respectively provided in the operation instruction picture in an arrangement correlative to the arrangement of keys in the musical keyboard (for example, see column 8, lines 37-42; and column 2, lines 6-20).

In reference to claims 3 and 11, it is understood that the keys of the input device, i.e. musical keyboard, described by Haruyama are arranged in a horizontal direction, and that the associated operation instruction portions of the displayed miniature keyboard are arranged in the same direction (for example, see column 1, line 26 – column 2, line 20). As described above, a portion of this miniature keyboard may be enlarged, whereby it is understood that the size of this portion changes with respect to its horizontal direction (for example, see figure 4, and its associated description in column 9, line 56 – column 10, line 12). Thus the plurality of operation portions of the input device of Haruyama are arranged in at least one direction, and in accordance with an instruction from the operator, a size of the operation instruction picture changes with respect to the arrangement direction of the plurality of operation instruction

portions, the arrangement direction corresponding to the arrangement direction of the plurality of operation portions.

As per claims 4 and 12, the operation instruction picture described by Haruyama comprises a miniature keyboard, which imitates the input device, i.e. the musical keyboard (for example, see column 8, lines 26-42).

Regarding claims 5 and 13, it is understood that the keys of the input device, i.e. musical keyboard, described by Haruyama are arranged in a horizontal direction, and that the associated operation instruction portions of the displayed miniature keyboard are arranged in the same direction (for example, see column 1, line 26 – column 2, line 20). As described above, a portion of this miniature keyboard may be enlarged, whereby it is understood that the size of this portion changes with respect to its horizontal direction (for example, see figure 4, and its associated description in column 9, line 56 – column 10, line 12). Thus the plurality of operation portions of the input device of Haruyama are arranged in a right-and-left direction when viewed from the operator, a plurality of operation instruction portions, which are associated with the plurality of operation portions, respectively, are provided in the right-and-left direction in the display area, and in accordance with an instruction from the operator, a size of the operation instruction picture changes with respect to the right-and-left direction.

Concerning claims 6 and 14, Haruyama discloses that the musical keyboard and the miniature keyboard each have the same number of keys (for example, see column 8, lines 37-42). Thus the plurality of operation portions, i.e. keys, of the input device and the plurality of operation instruction portions in the operation instruction picture are associated with each other to keep a one-to-one relationship there between. Additionally, Haruyama discloses that a portion

Art Unit: 2173

of the miniature keyboard may be enlarged so that the keys of the miniature keyboard are the same size as those of the actual musical keyboard (see column 9, line 56 – column 10, line 12). The operation instruction picture can thus be changed so as to adjust a width occupied by the plurality of operation instruction portions in the operation instruction picture in the right-and-left direction to a width occupied by the plurality of operation portions in the right-and-left direction.

As per claims 7 and 15, Haruyama teaches changing the width occupied by a plurality of operation instruction portions in an operation instruction picture in the right-and-left direction to the width occupied by a plurality of operation portions in the right-and-left direction, as is described above. Moreover, Haruyama discloses that such teachings may be implemented on one of a plurality of different display devices (for example, see column 22, lines 36-41). Consequently, the adjustment range of the width is determined to generally adjust the width occupied by the plurality of operation instruction portions in the operation instruction picture in the right-and-left direction to the width occupied by the plurality of operation portions in the right-and-left direction with respect to a plurality of display devices with different sizes.

In reference to claims 8 and 16, Haruyama is considered to teach an operation instruction system and computer readable medium like that recited in the claims 8 and 16, respectively, particularly for the reasons described above in the rejections for claims 1, 4, 9 and 12.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. The applicant is required under 37 C.F.R. §1.111(C) to

Art Unit: 2173

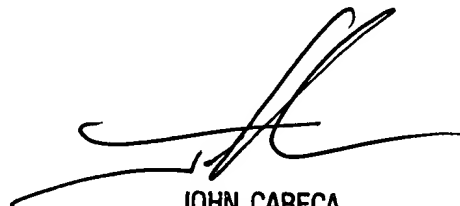
consider these references fully when responding to this action. The Moe U.S. Patent cited therein presents a musical keyboard instruction system, similar to that of Haruyama described above, whereby a virtual keyboard imitating an actual keyboard is displayed to the user and may be resized with respect to different display devices. The Retter U.S. Patent cited therein presents a virtual keyboard imitating an actual keyboard, and the U.S. Patent of Beard et al. teaches that such a virtual keyboard may be resized.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (703) 305-7694. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

btb



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SUPERVISORY PATENT EXAMINER
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